

**STATEMENT OF  
COMMISSIONER JONATHAN S. ADELSTEIN  
CONCURRING**

Re: *Petitions of the Verizon Telephone Companies for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Boston, New York, Philadelphia, Pittsburgh, Providence and Virginia Beach Metropolitan Statistical Areas*; WC Docket No. 06-172, Memorandum Opinion and Order (Dec. 5, , 2007).

In today's decision, the Commission addresses a petition filed by the incumbent local telecommunications provider, seeking a broad exemption from the Act and the Commission's rules for dominant providers. The petition seeks relief for six of the most populous regions of the country, so the outcome here stood to dramatically affect the telecommunications choices available to millions of Americans. The Commission's recent history on forbearance petitions – including failing to even issue an order addressing the merits of a sweeping petition – has been less than enviable. So, I'm pleased that this Order denies the petition and takes a step towards a better reconciliation of the pro-competitive and deregulatory goals set out in the Act.

I agree with the Order's finding that the petitioner has fallen short of its burden, although I still believe that the Commission could improve its analysis of local competitive conditions and its framework for considering changes to our rules. There will always be imperfections in the data available to outside parties, but I would have preferred that the Commission take a finer look at specific geographic and product markets in this Order. In a welcome break from many recent Commission Orders, this Order does not place unwavering reliance on “predictive judgments” about our hopes for the development of competition but, instead, takes a closer look at the facts on the ground. In order to restore integrity to the forbearance process, the Commission simply must require petitioners to come forward with credible evidence regarding competitive conditions for the products and markets at issue.

Finally, as I've stated before, I continue to believe that the Act contemplates a competitive environment based on more than a simple rivalry – or duopoly – of a wireline and cable provider. Section 10 requires the Commission to consider, among other things, competitive conditions, the protection of consumers, and the public interest. The Commission must be ready to respond to a dynamic marketplace but it must also beware of the potential to lock consumers into a choice between two providers, a result that would have been more likely were relief granted here and one that would fall far short of the vital goals of the 1996 Act.